

**REMARKS/ARGUMENTS**

Claims 1-8 are present in this application. By this Amendment, claims 1, 4, 7 and 8 have been amended, and claim 9 has been canceled. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

With reference to the Decision on Appeal, the Board referenced the present specification describing a “consumer funding account” as “an amount of unreserved funds deposited in the bidder funding account and/or an amount of unreserved credit in the bidder funding account according to an approved line of credit provided to the user.” The Board concluded that the interoperability between a deposit account and a credit line supported the grounds of rejection based on Walker ‘207.

Without conceding these contentions, the specification more specifically provides that “a *balance* in the bidder funding account can be an amount of unreserved funds deposited in the bidder funding account and/or an amount of unreserved credit . . . .” By referencing that the balance can be an amount of unreserved funds deposited in the bidder funding account or an amount of unreserved credit, Applicant submits that in one embodiment, the balance in the bidder funding account may be solely an amount of unreserved funds. In view of the Board’s analysis in the Decision on Appeal and the Board’s characterizations of the Walker ‘207 patent, the claims herein have been amended to be limited to an embodiment wherein the consumer funding account includes only actual funds deposited in the account. In particular, claim 1 defines the step of the qualifying system reserving a portion of the funds deposited in the consumer funding account according to a transaction parameter defined by at least one of the qualifying system, the participant or the vendor, wherein an available balance in the consumer funding account consists of an amount of unreserved funds from the funds deposited in the

consumer funding account. Independent claims 4, 7 and 8 have been similarly amended. In view of the amended claims, Applicant hereby reasserts the discussion regarding the differences between a deposit account and a credit line and the corresponding evidence submitted prior to appeal. In view of the amendments herein and the distinctions noted between the invention and the Walker '207 and Walker '396 patents, Applicant submits that the claims are allowable over the art of record.

Reconsideration and withdrawal of the rejections are respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully submits that the claims are patentable over the art of record and that the application is in condition for allowance. Should the Examiner believe that anything further is desirable in order to place the application in condition for allowance, the Examiner is invited to contact Applicant's undersigned attorney at the telephone number listed below.

Prompt passage to issuance is earnestly solicited.

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to Deposit Account No. 14-1140.

UNDERSTEIN  
Appl. No. 09/617,065  
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Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By:           /Alan M. Kagen/            
                  Alan M. Kagen  
                  Reg. No. 36,178

AMK:jls  
901 North Glebe Road, 11th Floor  
Arlington, VA 22203-1808  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100